## III. REMARKS

Claims 1-30 are pending in this application. By this amendment, claims 1, 17, 25, 26 and 29 have been amended. Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 26 and 29 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Chatterjee (U.S. Patent No. 5,774,661), hereafter "Chatterjee." Claims 1, 4, 7, 9, 13, 15-17, 20, 21, 24, 25 and 28 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Chatterjee in view of Aspen Technology "Aspen Engineering Suite" (Business Wire, "Aspen Technology Introduces Aspen Engineering Suite", May 1998, pp. 1-4), hereafter "Aspen." Claims 2, 3, 18 and 19 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Chatterjee in view of Koulopolous, Thomas; Palmer, Nathaniel, "High End Workflow", June 1994, PC Magazine, v13n11, pp. 1-9), hereafter "Koulopolous." Claims 5, 6, 8 and 14 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Chatterjee in view of Aspen and further in view of Du (U.S. Patent No. 5,826,239), hereafter "Du." Claim 10 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Chatterjee in view of Aspen and further in view of Notani (U.S. Patent No. 6,397,191), hereafter "Notani." Claims 11, 12, 22 and 23 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Chatterjee in view of Aspen and further in view of Sanders (U.S. Patent No. 6,574,605), hereafter

"Sanders." Claims 27 and 30 are rejected under 35 U.S.C. §103(a) as allegedly being

unpatentable over Chatterjee in view of in view of Du.

## A. REJECTION OF CLAIMS 26 and 29 UNDER 35 U.S.C. §102(b)

With regard to the 35 U.S.C. §102(b) rejection over Chatterjee, Applicant asserts that

Chatterjee does not teach each and every feature of the claimed invention. For example, with

respect to independent claims 26 and 29, Applicant submits that Chatterjee fails to teach at least

one remote workflow process segment for exchanging data with one or more sources external to

the organization in a network. Interpreting Chatterjee solely for the purpose of this response, the

figure in Chatterjee cited by the Office as supporting this limitation teaches a link to between a

database server #222 and a GUI #213 through an API Layer #250 and through a network #150.

FIG. 2. However, the database server of Chatterjee is never disclosed as being external to the

organization. Nowhere does Chatterjee teach at least one remote workflow process segment for

exchanging data with one or more sources external to the organization in a network. In contrast,

the claimed invention includes "...at least one remote workflow process segment for exchanging

data with one or more sources external to the organization in a network." Claim 26. As such, the

sources of the claimed invention do not merely have a link to a GUI as does the database server

of Chatterjee, but rather are external to the organization. Thus, the remote workflow process

segment of the claimed invention is not taught by the link of Chatterjee. Accordingly, Applicant

respectfully requests that the Office withdraw its rejection.

With respect to dependent claims, Applicant herein incorporates the arguments presented

above with respect to the independent claims from which the claims depend. Furthermore,

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Applicant submits that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicant respectfully requests withdrawal of this rejection.

## B. REJECTION OF CLAIMS 1-25, 27, 28 and 30 UNDER 35 U.S.C. §103(a)

With regard to the 35 U.S.C. §103(a) rejections over Chatterjee in view of Aspen, Applicant submits that the combined features of the cited references fail to teach each and every feature of the claimed invention. For example, with respect to independent claims 1, 17 and 25, as argued above with respect to independent claims 26 and 29, the cited references fail to teach or suggest an external process designer creating one or more external process workflow objects, said objects exchanging data with one or more sources external to the organization in said network. Aspen does not cure this deficiency. Accordingly, Applicant respectfully requests withdrawal of the rejection.

With further respect to independent claims 1, 17 and 25, Applicant submits that the cited references fail to teach or suggest a workflow analyzer analyzing in real-time said one or more workflow processes. The Office admits that Chatterjee does not teach this feature. Instead, the Office relies on a passage of Aspen that states "...equation-based optimizer for off-line and online real – time optimization of plant operations." Page 2, pp. 3, lines 19-21. The Office then states that "...since real time optimization requires an objective function for determining a maxima or minima in real time, the calculations required by an analyzer to achieve real time optimization constitute real time analysis of the system at various points in order to converge to a real time optimization point."

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The Office's analysis is lacking in several points. First, the Aspen publication as a whole describes a number of different facets to its comprehensive solution for engineering work process integration, which, it states, "...should provide significant efficiencies in workflow." Page 2, pp. 1, lines 4-5. However, the Aspen system is not a workflow system, but is instead "[a]n integrated engineering work process [that] captures process knowledge for use by individuals and workgroups throughout an organization." Page 2, pp. 2, lines 4-6. To this extent, the Aspen does not teach that its system monitors workflow, but instead that it attempts to capture knowledge of a particular process step. Furthermore, Aspen does not teach that the RT-Opt optimizer to which the Office refers optimizes workflow. Instead,

> Engineers can use a consistent model for the full range of engineering analyses, including steady-state simulation with Aspen Plus®, dynamic simulation and operability analysis with Aspen Dynamics®, heat integration studies with Aspen Pinch®, distillation synthesis studies with Aspen Split®, detailed heat exchanger design with Aspen B-JAC® and real-time optimization with Aspen RT-Opt®. Page 1, pp. 4, lines 3-9.

To this extent, as with all of the products listed above, the optimizer applies to engineering process step analysis and not to work flow process analysis. It is at best unclear whether the optimizer of Aspen optimizes workflow. Still further, even assuming, *arguendo*, that the optimizer does optimize a workflow process as the Office asserts, a single sentence about a real time optimizer combined with the Office's unsubstantiated statement that a real time optimizer implies real time analysis of a work flow system do not enable one skilled in the art to produce a workflow analyzer analyzing in real-time said one or more workflow processes.

In contrast, the claimed invention includes "...a workflow analyzer analyzing in real-time said one or more workflow processes." Claim 1. As such, workflow analyzer of the claimed invention does not merely provide real-time optimization of undetermined plant operations as
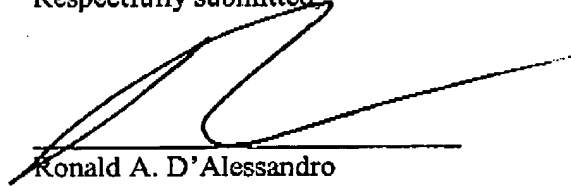
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does the optimizer of Alpine, but rather, analyzes in real time said one or more workflow processes. Thus, the optimizer of Alpine does not teach or suggest the workflow analyzer of the claimed invention. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

With regard to the Office's other arguments regarding dependent claims, Applicant herein incorporates the arguments presented above with respect to independent claims listed above. In addition, Applicant submits that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicant will forego addressing each of these rejections individually, but reserves the right to do so should it become necessary. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

## IV. CONCLUSION

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

Date: August 16, 2005

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